



Larry Richards, Pro Se, In Propria Persona, Counsel of Record for the Plaintiff: Larry Richards and IF APPOINTED CLERK PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT: Ms. Georgeana K. Roussos, Attorney-At-Law; (415) 252-1922; The Roussos Law Firm, 77 McAllister, Second Floor; San Francisco, California 94102

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

CV: 08

1532

Larry Richards, Pro Se, In Propria Persona,
2625 Alcatraz Avenue #317, Berkeley,
California 94705-2702, AND IN CARE OF:
Ms. Georgeana Roussos, 77 McAllister, Second
Floor, San Francisco, California 94102,
Plaintiff, Pro Se,

Pro Se Plaintiff Larry Richards'

COMPLAINT

FOR A CAUSE OF ACTION:

JL
ORIGINAL

Vs.

1.) MICHAEL J. ASTRUE, COMMISSIONER,
Social Security Administration, And
2. -50.) DOE(S) defendants, named, unknown
persons, In Care Of: UNITED STATES
ATTORNEY, Attention: Social Security
Defense Attorney, 450 Golden Gate, San
Francisco, California 94102,
Defendants, Et. Al.

CIVIL RIGHTS INFRINGEMENTS: Several
Colourable Constitutional Claims for disparate
treatment and discriminatory treatment and
retaliatory treatment under Color of Law

FRAUD, there is no statute of limitations

Violations of SOCIAL SECURITY ACT
numerous violations, including but not limited
to Unconstitutional refusal to allow a Formal
Conference on the record before stopping
disability payments; denial of timely filed right
to payment continuations during hearing and
appeal, and FRAUDULENT lying under oath to
a United States District Court Federal Judge
in order to obtain dismissal; and then refusal to
honor the representations made to a Federal
Judge [the Honorable Charles A. Legge (Ret.)]

Pro Se Plaintiff's COMPLAINTS FOR A CAUSE OF ACTION:

- I. JURISDICTIONAL CLAIMS: Pro Se Plaintiff Claims this Court MUST exert it's
Jurisdiction under The Equal Access to Justice Act, 5 USC §§ 504 and 554 *inter alia*.
Pro Se Plaintiff FURTHER ASSERTS JURISDICTION UNDER THREE major
areas of Law: 1.) VIOLATIONS OF FEDERAL LAWS AGAINST FRAUD; 2.)
CIVIL RIGHTS LAW VIOLATIONS; 3.) Social SECURITY LAW VIOLATIONS
wherein even if the Court selects only one of the above listed venues, this Honourable
Court has Jurisdiction under the following Federal Laws and United States Codes:

FRAUD: There being no statute of limitations for Fraud, Plaintiff seeks criminal referral of the Defendants for Criminal Prosecution for FRAUD! Plaintiff seeks Court protection in the United States Codes and Federal Statutes for Court Jurisdiction and monetary recovery when Fraud is demonstrated and proven with a preponderance of the evidence. And for the Court to determine which United States Codes and Federal Statutes would best provide monetary recovery for the Plaintiff based upon the evidence he presents in this case—at-bar.

CIVIL RIGHTS VIOLATIONS: Plaintiff ASSERTS Court Jurisdiction rests in the following STATUTES, CASES, and REGULATIONS willfully violated by SSA Defendants:

| | |
|--|--|
| 28 USC § 1254 (1) | 20 CFR § 404.900 |
| 28 USC § 1343, see especially NOTE 50! in USCA | 20 CFR § 422.108 |
| 28 USC § 1361 | 20 CFR § 498.100 et. seq. |
| 28 USC § 1331 | 20 CFR § 404.987 et. seq. |
| 28 USC § 2676 | 20 CFR § 404.988 (a)(b)(c)(1) |
| | 20 CFR § 404.632 |
| 18 USC § 1509 | 20 CFR § 404.995 |
| 18 USC § 242 | 20 CFR § 404.996(c)(1) |
| 18 USC § 241 | 20 CFR § 416.1336(b) |
| 18 USC § 245 (2)(b)(1)(B)(E) | 20 CFR § 404.940 |
| 18 USC § 1001 | 20 CFR § 404.966 |
| 5 USC §§ 504; 554 | 20 CFR § 404.975 |
| 42 USC § 423(g)(1)(c) | 20 CFR § 404.976 |
| 42 USC § 405(a) and (g) | 20 CFR § 422.205(a) |
| 42 USC § 1983 | [and in the Appendix]: |
| 42 USC § 1985 | 20 CFR Part 404, Subpart P, Appendix 1, Part A, § 1.00et.seq. |
| 42 USC § 1986 | Musculoskeletal [Especially: 1.00(b); 1.05 (b)(1); 1.05(c)(1); 1.13] |
| | AND § 11.00et.seq. Neurological [Especially 11.00(c);11.03; 11.04(b); 11.08] |

CaseLaw, applicable:

Bethesda Hospital Association Vs. Bowen, 485 US 399, 406 – 407 (1988)
Bivens Vs. 6 Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388
Chevron, USA Vs. Natural Res. Def. Council, 104 S.Ct. 2778 (1984)
Darby Vs. Cisneros, 113 S.Ct. 2539 (1993)
Goldberg Vs. Kelly, 397 US 254 (1970)
Jelinek Vs. Heckler, (CA 8 MINN) 764 F2d 507 AND Mathews V. Eldridge, 424 US 319
McKart Vs. United States, 89 S.Ct. 1657 (1969)Paul Vs. Shalala, 29 F3d 208 (5th Cir. 1994)
Sims Vs. Apfel, 520 US 130 (2000) AND Richardson Vs. Perales, 402 US 389 (1971)

1 **Colourable Constitutional Claim #1:** Proven Prima Facie Disparate treatment of the
2 Plaintiff by the Defendants when the Defendants represented TO THIS Federal Court and to
3 a United States District Court Judge, Charles A. Legge (Ret.), that “Finally, the government
4 has represented to this Court in its brief that upon dismissal of this action, Plaintiff’s case
5 [Title 2 and Title 16 Disability payments claims] will be returned to the proper component of
6 the Social Security Administration to address Plaintiff’s January 1988 Request for
7 Reconsideration”. But then the SSA Defendants NEVER ACTUALLY DID SO! or intended
8 to do so; and further, THEY REFUSED TO HONOR THIS REPRESENTATION AND CO-
9 OPERATE WITH PLAINTIFF OR HIS PRO BONO ATTORNEY GEORGEANA
10 ROUSSOS when repeatedly contacted for resolution! This is the DEFINITION of
11 DISPARATE TREATMENT, because the SSA Defendants have honored EVERY OTHER
12 REPRESENTATIONS THAT THEY HAVE EVER MADE IN EVERY UNITED STATES
13 DISTRICT COURT, IN EVERY DISTRICT! Not just the Northern District of California,
14 thereby receiving the trust of this Court to such a substantial degree that it could write in it’s
15 ORDER, **“In light of the above ruling, the Court assumes that the government will**
16 **honor this representation”**, [Document #40 ORDER of the Court in #98 –4132 (CAL) Page
17 15, Lines 2 through 4 inclusive] but the SSA Defendants never did honor their
18 representations!! (See: Exhibit #2) This is Prima Facie PROOF, and irrefutable evidence of,
19 DISPARATE TREATMENT of the innocent disabled abused Pro Se Plaintiff Larry Richards

20 **Colourable Constitutional Claim #2 OF 10:** Disparate treatment of Plaintiff by SSA
21 Defendants regarding the fair application of 42 USC § 405 (g) AND Mathews Vs. Eldridge,
22 424 US 319–322 wherein the Defendants KNOW OR SHOULD HAVE KNOWN that the
23 Courts have found that a decision to STOP disability payments IS A “405 G” final decision
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1 of the Commissioner for determining Subject Matter Jurisdiction for the purpose of 42 USC
2 § 405 (g) subject matter jurisdiction. The Defendants deliberately stopped Plaintiff's
3 disability payments; then deliberately distorted their need for FURTHER administrative
4 process; and distorted their need to a United States District Court Judge to take a disputed
5 case from their highest level of decision making ability, "The Appeals Counsel" DOWN TO
6 THE LOWEST POSSIBLE level of decision making, "A LOCAL OFFICE", located in
7 Sedalia, Missouri for "further administrative process"! Which was unnecessary and obviously
8 NOT ACTUALLY ACCOMPLISHED thus the SSA Defendants inflict Disparate treatment
9 onto the innocent Plaintiff because they know that Plaintiff Richards – whom they have just
10 taken away all his money from – cannot thereby travel half way across the country to a tiny
11 obscure local office because the cost alone would have been more than three months worth of
12 disability payments, which the Defendants clearly KNOW they have just taken away from
13 Plaintiff so that he cannot comply with their untenable unnecessary disparate requirements;

17 **Colourable Constitutional Claim #3 OF 10:** Disparate treatment by the Defendants
18 onto the Plaintiff when they deliberately deny Plaintiff his Constitutional Rights under the
19 Fifth Amendment of the United States Constitution. Wherein the Defendants KNOW OR
20 SHOULD HAVE KNOWN the 5th AMENDMENT of the Constitution legally entitles this
21 Innocent Plaintiff to a due process hearing before payment termination! Defendants deny a
22 FORMAL CONFERENCE, ON THE RECORD, to the Plaintiff wherein he can PROVE the
23 FRAUDULENT TRICKS of the DEFENDANT! So since the Defendants control that
24 process they Willfully, Disparately EXCLUDE Plaintiff from his FIFTH AMENDMENT
25 RIGHT TO DUE PROCESS before depriving Plaintiff Richards of his PROPERTY RIGHT
26 of disability payments (See: Mathews Vs. Eldridge 424 US 319–322 wherein the United
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1 States Supreme Court DETERMINED that Disability Payments ARE STATUTORILY
 2 CREATED PROPERTY RIGHTS) when they REFUSE to hold a Formal Conference which
 3 was clearly requested by the Plaintiff ON A TIMELY SUBMITTED FORM, before they
 4 take away his property rights of Disability Payments;
 5

6 **Colourable Constitutional Claim #4 (of 10):** Regardless of the Court's view of ANY
 7 of the Plaintiff's other Colorable Constitutional Claims, the Court cannot hide from *THIS*
 8 CLAIM and the quite simple fact that the *Legislative Intent of Congress* was to PROTECT this
 9 INNOCENT Plaintiff from exactly the types of abuses he has suffered for the past DECADE,
 10 when Congress authorized 42 USC § 423(g)(1)(c) and particularly 20 CFR § 416.1336(b)!!
 11 The DISPARATE TREATMENT of the recalcitrant Defendants to WILLFULLY DENY
 12 Plaintiff his PROPERTY RIGHT of Disability Payments *CONTINUATIONS* WHILE THIS
 13 HEARING PROCESS continued is absolute *Brutal DISPARATE treatment!* The Plaintiff
 14 TIMELY filed application for BOTH Payment Continuations AND Formal Conference and
 15 was willfully defrauded out of this FIFTH AMENDMENT PROPERTY RIGHT TO DUE
 16 PROCESS OF DISABILITY PAYMENT CONTINUATIONS DURING THE
 17 ADMINISTRATIVE PROCESS by the fraudulent, recalcitrant Defendants, in clear absolute
 18 PROOF of Disparate Treatment because others who apply for payment continuations are
 19 "granted" and are given payment continuations but the Plaintiff was discriminated against;
 20 Remaining Constitutional Claims are untyped due to EMERGENCY need to file this TRO!
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25 **SOCIAL SECURITY ACT VIOLATIONS: Clear, willful, knowingly intentional,**
 26 **[Breach of BOTH SSA Program Operations Manual System (SSAPOMS) AND Title 42**
 27 **United States Code AND of the Code of Federal Regulations (20 CFR 400 et. seq.):**
 28

(See: SSAPOMS § GN 04010.020 AND § GN 04020.080 AND Plaintiff incorporates the list of statues, regulations, and cases violated in the Civil Rights section of this Complaint at Page #2 HEREIN as though it was reproduced HEREAT, because it ALL also applies here:

II. CLAIMS FOR A CAUSE OF ACTION:

FACTS: THIS HONOURABLE COURT HAS JURISDICTION TO AT MINIMUM ENFORCE THE PREVIOUS ORDER OF THIS COURT AND REQUIRE THE REPRESENTATIONS MADE BY THE DEFENDANTS INORDER TO OBTAIN THE PREVIOUS ORDER OF THIS COURT TO ACTUALLY BE DECIDED AND PAID. (See: Exhibit #2). BASED SOLELY UPON the false representations of the Defendants to go back to the beginning of this case and CORRECT their errors and make all BACKPAYMENTS and CURRENT payments to the Plaintiff, this Court dismissed the related case #98-4132 (CAL). {See: Exhibit #2} The FRAUDULENT Defendants NEVER HONORED their own representations made to THIS HONOURABLE COURT inorder to obtain dismissal. Further the Defendants REFUSE to honor their representations to even negotiate with the Plaintiff OR his “newly” appointed Pro Bono Attorney, Ms. Georgeana Roussos. The reason the Pro Se Plaintiff types “quotations marks” around “newly” is because it is new only to this Court! **Over three years ago** Plaintiff asked Ms. Georgeana Roussos for help with this case as his physical and mental strength to battle the recalcitrant defendants was almost destroyed by the financial starvation inflicted upon the Plaintiff by the Defendants. Plaintiff understands that Ms. Roussos volunteered to inquire about the status of Backpayments to Plaintiff, and was unsuccessful due solely to the recalcitrance of the SSA Defendants! This was the only act Ms. Roussos agreed to perform on the Plaintiff’s behalf, and Plaintiff understands that Ms. Roussos is not representing him in any legal proceedings. HOWEVER Plaintiff begs this Honorable Court to **APPOINT**

1 Ms. Roussos under the **EQUAL ACCESS TO JUSTICE ACT 5 USC §§ 504 and 554** because
 2 he is incredibly ill and unable to attend the Court; AND that he be ALLOWED TO TESTIFY
 3 VIA TELEPHONE connection to the Court, with telephone number of Pro Se Plaintiff to be
 4 provided to the clerk by Plaintiff; AND BECAUSE the SSA rules require that the only way that
 5 the Plaintiff can PAY Ms. Roussos is for the Plaintiff to open a "NEW APPLICATION" to claim
 6 his Title 2 SSDI and Title 16 SSI disability payments and to have her be named the Attorney of
 7 Record for that "NEW APPLICATION." HOWEVER, that action IRREPARABLY HARMS the
 8 Pro Se Plaintiff BECAUSE ALSO BY SSA RULES any "NEW APPLICATION"
 9 AUTOMATICALLY INVOKES RES JUDICATA ON ALL PREVIOUS ACTIONS BY THE SSA!
 10 Thus the Pro Se Plaintiff would lose 22 and ½ YEARS of his PROPERTY RIGHTS OF TITLE 2
 11 AND TITLE 16 DISABILITY PAYMENTS! Attorney Roussos and Pro Se Plaintiff Richards
 12 signed a release allowing Ms. Roussos to contact the SSA on his behalf. Frequently the Law
 13 Offices of Georgeana K. Roussos and also Attorney Roussos personally have contacted the local
 14 offices of the SSA in an attempt to negotiate and resolve the Plaintiffs Property Rights to his
 15 Disability Backpayments, Current Payments and Payment Continuations. Attorney Roussos has
 16 been repeatedly ignored. The SSA Defendants have repeatedly refused to even acknowledge
 17 Attorney Roussos or the Plaintiff's repeated requests and thus this paperwork that you are
 18 reading is essentially because of the refusal of the SSA Defendants to actually honor their
 19 representations to THIS COURT and PLAINTIFF. ► Much to the Plaintiff's chagrin the
 20 previous Court ORDER ignored the Harms that the SSA Defendants INTENTIONALLY WITH
 21 MALICE INFLICTED UPON HIM of violating Plaintiff's 5th Amendment property rights to
 22 payment continuations while awaiting hearing (See: 20 CFR § 416.1336(b) which is also the
 23 statute of (42 USC§ 423 (g)(1)(c), AND 5th Amendment Rights to Hearing before the
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1 termination of disability payments (See: Mathews Vs. Eldridge 424 US 319 – 322 AND the 5TH
 2 Amendment to the United States Constitution) and accepted the phony representations of the
 3 SSA Defendants that they would go back 15 years in this case and correct their errors and make
 4 the Backpayments and Current payments to Plaintiff! This was based upon the wholly fallacious
 5 argument by the SSA Defendants that the Court lacked 42 USC § 405 (g.) subject matter
 6 Jurisdiction because the SSA Defendants wrongly stated that the case-at-bar required further
 7 administrative process at a small local SSA office, 2500 miles away in the State of Missouri!
 8 Which it clearly did not! PROOF OF THIS RESTS IN YOUR HANDS RIGHT NOW, as this
 9 paperwork and case would never have been necessary if the SSA Defendants had ACTUALLY
 10 DONE the “further administrative process” that they falsely claimed they needed! The SSA
 11 Defendants have clearly **ABUSED THIS COURT; ABUSED THIS PLAINTIFF; AND**
 12 **ABUSED THE “405 G” ADMINISTRATIVE PROCESS** PROVISIONS OF THE ACT
 13 in order to frustrate justice, and deliberately deny payment to the wholly INNOCENT
 14 PLAINTIFF. And in fact Plaintiff calls the Court to NOTICE the OBVIOUS, that SSA
 15 Defendants clearly NEVER ACTED UPON THEIR SO CALLED NEED TO ACT
 16 FURTHER! The SSA clearly fraudulently misrepresented their need for further administrative
 17 process by removing the Plaintiff’s case from proper “405 G” Court Jurisdiction into the vast
 18 worthless wasteland of never properly administered administrative process in hopes that Plaintiff
 19 would die and the SSA would never have to pay his lawful property rights of SSDI payments.

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 24 **III. JURY TRIAL DEMANDED: In all Federal matters of controversy that exceed**
 25 **\$50 Plaintiff is entitled to a Jury Trial, therefore, Plaintiff ASSERTS his right to**
 26 **have a Jury Trial in ALL these matters complained of herein. Pro Se Plaintiff**
 27 **states that this very poorly written, ARTLESS, Complaint for a Cause of Action**
 28

1 is INCOMPLETE, only enough is presented herein to allow the Court to have a
 2 hearing on the Motion for Temporary Restraining Order, attached.
 3 {THEREFORE please SEE JUDICIAL NOTICE #4 AT PAGE #10!}

4
 5 JUDICIAL NOTICE #1 of 4: NOTICE OF RELATED CASE: This case was previously
 6 decided by the Honourable Judge Charles A. Legge. (Ret.) as case # 98-4132 (CAL) Plaintiff
 7 incorporates herein every document filed in that case as though fully setforth hereat now!

8 JUDICIAL NOTICE #2 of 4: Clearly this case (and it's predecessor # 98-4132 CAL) are
 9 written and filed by the Pro Se Plaintiff Larry Richards who, in propria persona, without waiving
 10 any of his Constitutional rights – per UCC 1 – 207 inter alia. – has written, sworn to and signed
 11 this COMPLAINT for a Cause of Action which contains an EMERGENCY BASED Motion for
 12 TRO and Application for Preliminary Injunction; it is poorly constructed and artless, and
 13 Plaintiff claims Jurisdiction under THREE JURISDICTIONS: violation of Civil Rights Law;
 14 and violation of the Federal Laws Against FRAUD; as well as violation of Social Security Law.
 15 However, the Pro Se Plaintiff *must have surgery* and therefore is far too ill and weak to
 16 personally appear in the Court at this time and requests to appear by telephone at a number to be
 17 provided to the Court. Even better, the Pro Se Plaintiff has signed a release with and requested
 18 Pro Bono assistance from, Social Security Attorney Georgeana K. Roussos, whom the
 19 Defendants refuse to deal with, or to even have the courtesy to write a reply to her regarding
 20 their representation TO THIS COURT to correct their errors and pay Plaintiff his Backpay!
 21 (SEE: Exhibit #2) THEREFORE, Pursuant to the EQUAL ACCESS TO JUSTICE ACT, (5
 22 USC §§ 504 and 554) Plaintiff MOVES this Court to APPOINT her to this case. {Note SEE:
 23 JUDICIAL NOTICE #4 OF 4 ahead at the bottom of page #10} It is exceptionally important
 24 that the Court enact the Equal Access to Justice Act and APPOINT Attorney Roussos IF THE
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1 COURT IS GOING TO CONSIDER DISMISSAL OF THIS CLAIM based upon the way it is
2 written or how artlessly it presents Plaintiff's Colorable Constitutional Claims. ► The PRO SE
3 Plaintiff Larry Richards **NOW MOVES** this Honourable Court that **UNDER THE EQUAL**
4 **ACCESS TO JUSTICE ACT (at section 504 and 554 of Title 5 United States Code)** that the
5 Court APPOINT PAYMENT UNDER **THAT 5 USC §§ 504; 554** ACT TO: Ms. Georgeana
6 Roussos located at the Law Office of Georgeana K. Roussos, 77 McAllister, Second Floor, San
7 Francisco, California 94102 (415) 252 – 1922 as Plaintiff's "special" PRO BONO SOCIAL
8 SECURITY ATTORNEY to represent him in this matter. In other words, pay Ms. Roussos
9 under 5 USC sections 504 and 554 inter alia., and not under the Social Security Act because
10 Plaintiff cannot enter a "New Application" to pay Ms. Roussos under the Social Security Act
11 BECAUSE OF THE DOCTRINE OF RES JUDICATA! Plaintiff understands that Ms. Roussos
12 volunteered to inquire about the status of Backpayments to Plaintiff, and was unsuccessful due
13 solely to the recalcitrance of the SSA Defendants. This was the only act Ms. Roussos agreed to
14 perform on the Plaintiff's behalf, and Plaintiff understands that Ms. Roussos is not representing
15 him in any legal proceedings, HOWEVER Plaintiff begs this Honorable Court to APPOINT Ms.
16 Roussos because he is incredibly ill and unable to attend the Court.

17 **JUDICIAL NOTICE TO THE COURT #3 OF 4 APPLIES TO THE MOTION FOR**
18 **TEMPORARY RESTRAINING ORDER ATTACHED TO THIS COMPLAINT:**

19 **JUDICIAL NOTICE TO THE COURT #4 of 4:** UNDER THE SSA "RULES" Ms. Roussos
20 cannot be paid UNLESS Richards issues a "New Application" to the SSA for Title 2 and Title 16
21 Disability payments and she is the Attorney of Record for that "New Application". However
22 ALSO UNDER THE SSA "RULES" if Richards files any "New Application" it automatically
23 **TRIGGERS RES JUDICATA;** and the SSA can legally bar Pro Se Plaintiff Richards's

1 ABSOLUTE PROPERTY RIGHT TO HIS SSDI AND SSI DISABILITY CURRENT
 2 PAYMENTS AND BACKPAYMENTS BECAUSE OF the legal doctrines of letting THEIR
 3 "PREVIOUS" DECISIONS "rest" IN THIS CLAIM. This pernicious practice of the SSA
 4 Defendants using "New" disability applications to destroy previous disability claims, and thereby
 5 destroy the lives of the weakest and most disabled citizens of the United States under the guise of
 6 Res Judicata is in hundreds of cases but for ease of reference, and because he does not remember
 7 the entire list Plaintiff cites: {See: Jelinek Vs. Heckler inter alia. (CA8 MINN) 764 F2d 507}
 8 Richards "reopened" under Jelinek and the SSA Defendants have STILL refused to go back and
 9 correct their errors in this case even though they represented to this Court that "they would
 10 actually do so THIS TIME". Richards can easily and will absolutely prove he has been
 11 WILLFULLY INTENTIONALLY DEFRAUDED out of his disability payments by the SSA
 12 Defendants!! Pro Se Plaintiff Richards WAS IN THE PAST, currently IS, and permanently into
 13 the forever future MUST receive his SSDI and SSI payments from at least 11/21/1986
 14 {technically 11/21/85 by rule 42 USC § 404.988(a.)} to the present; AND Pro Se Plaintiff
 15 Richards Notices the Court to read the Previous ORDER by this Honourable Court: BY
 16 PREVIOUS COURT ORDER FROM THE HONOURABLE CHARLES A. LEGGE (ret.) THE
 17 DEFENDANTS HAVE AGREED IN THIS COURT TO GO BACK TO AT LEAST 11/21/1985
 18 AND FROM THAT DATE FORWARD CORRECT THEIR OWN KNOWN ERRORS, AND
 19 PAY RICHARDS THAT BACKPAY – EXCEPT THEY ARE REFUSING TO ACTUALLY
 20 ACT AND DO THIS – or even reply to Plaintiff's Pro Bono Attorney Roussos WHICH IS
 21 WHY YOU ARE HAVING TO READ THIS PAPERWORK RIGHT NOW!! And which is yet
 22 another reason why this Honourable Court MUST divest this recalcitrant agency of
 23 Jurisdiction in this case! {Again SEE: Exhibit #2} Plaintiff Richards is very ill; and must have

1 surgery; and cannot care for himself; he must have the assistance of Pro Bono Attorney Roussos
 2 TO NEGOTIATE WITH the SSA, BECAUSE HE NO LONGER HAS THE PHYSICAL AND
 3 MENTAL ABILITY TO PUT UP WITH THE EXTREME STRESSES THAT THE SSA
 4 DEFENDANTS ROUTINELY CAUSE ALL CLAIMANTS, yet the RECALCITRANT SSA
 5 Defendants REFUSE TO ACTUALLY DEAL WITH OR EVEN ACKNOWLEDGE OR EVER
 6 REPLY TO PLAINTIFF'S PRO BONO ATTORNEY ROUSSOS! HOWEVER, Plaintiff
 7 Richards CANNOT sacrifice and give up that large Backpayment check; just to start a "new"
 8 application; just to obtain the current services of Ms. Roussos; and under the Social Security Act
 9 she can only be limited to approximately \$4000 for negotiation of his disability payments. **PRO**
 10 **SE PLAINTIFF RICHARDS' ATTORNEY ROUSSOS MUST THEREFORE BE PAID**
 11 **UNDER THE PLAINTIFF'S ABSOLUTE RIGHT TO RECEIVE EQUAL ACCESS TO**
 12 **JUSTICE BY HAVING THIS HONOURABLE COURT APPOINT ATTORNEY**
 13 **GEORGEANA ROUSSOS TO REPRESENT THE PLAINTIFF UNDER THE EQUAL**
 14 **ACCESS TO JUSTICE ACT. This complaint is incomplete; more needs to be added after**
 15 **the Court acts upon my TWO motions: First to ISSUE A TEMPORARY RESTRAINING**
 16 **ORDER AS APPLIED FOR and Second to APPOINT Attorney Roussos under the**
 17 **EQUAL ACCESS TO JUSTICE ACT RESPECTFULLY SUBMITTED:**

21
 22 Signed, Sworn, and Dated in San Francisco, California on this
 Monday, the 17th day of March, in the 2008th year of our Lord.

23 BY *u.c.c. 1-207-4* *Larry Richards* *Monday March 17 2008*

24 Larry Richards, Pro Se, In Propria
 25 Persona, Counsel of Record for the
 26 Plaintiff: Larry Richards and IF
 27 APPOINTED PURSUANT TO THE
 EQUAL ACCESS TO JUSTICE ACT:
 Ms. Georgeana Roussos, 77
 McAllister, Second Floor;
 San Francisco, California 94102

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 at the address above.

PLANTIFF'S EXHIBIT #1



DEPARTMENT OF HEALTH & HUMAN SERVICES Social Security Administration

Refer to:

Office of Hearings and Appeals
500 State Avenue, Suite 380
Kansas City, KS 66101
Telephone: (913) 551-6505
Date:

MAY 26 1995

NOTICE OF DECISION -- FULLY FAVORABLE

Larry J, Richards

I have made the enclosed decision in your case. Please read this notice and the decision carefully.

This Decision Is Fully Favorable To You

Another office will process the decision and send you a letter about your benefits. Your local Social Security office or another office may first ask you for more information. If you do not hear anything for 60 days, contact your local office.

The Appeals Council May Review The Decision On Its Own Motion

The Appeals Council may decide to review my decision even though you do not ask it to do so. To do that, the Council must mail you a notice about its review within 60 days from the date shown above. Review at the Council's own motion could make the decision less favorable or unfavorable to you.

If You Disagree With The Decision

If you believe my decision is not fully favorable to you, or if you disagree with it for any reason, you may file an appeal with the Appeals Council.

How To File An Appeal

To file an appeal you or your representative must request the Appeals Council to review the decision. You must make the request in writing. You may use our Request for Review form, HA-520, or write a letter.

See Next Page

PLAINTIFF'S EXHIBIT #2

Finally, the government has represented to this court in its brief that upon dismissal of this action, plaintiff's case will be returned to the proper component of the Social Security Administration to address plaintiff's January 1988 request for reconsideration. In light of the above ruling, the court assumes that the government will honor this representation. And plaintiff might be able to obtain reinstatement of his Title XVI checks by complying with the SSA's requests for information.

IT IS SO ORDERED.

DATED: April 12, 1999.

Charles A. Legge
 CHARLES A. LEGGE
 United States District Judge

IN THIS EXHIBIT #2 THE PRO SE PLAINTIFF HAS ENLARGED THE FINAL TWO PAGES OF THE 15 PAGE ORDER IN RELATED CASE #98-4132 CAL - THIS IS "DOCUMENT #40" AND IS AVAILABLE IN THE COURT'S RECORDS IN SAN MATEO - (SEE EX. #4) PLAINTIFF AND PLAINTIFF'S PROBONO ATTORNEY ALSO HAVE A PHOTOCOPY.

PLAINTIFF'S EXHIBIT #3

Richards, Larry

Sex:M

BD:

MR#:

MRI SPINE THORACIC W&WO CON

Mar 27, 2006 11:40

*** Final Report ***

Acc# 2170691

Dictating MD: ROCKY SAENZ M.D. Dictated on: Mar 27 2006 11:35AM

Reviewing MD: ROCKY SAENZ M.D.

Signing MD: ROCKY SAENZ M.D. Signed on: Mar 27 2006 4:55PM

MRI 4314 - MRI SPINE THORACIC W&WO CON - Mar 27 2006 11:40AM

> Reason for Exam: NERVE SHEATH TUMOR

RESULT: MRI thoracic spine, with contrast

Indication: Right paraspinal mass

Comparisons: Compared with prior report MRI 5/29/01

Technique: Multi-planar multi-sequence imaging was performed of the thoracic spine. The sequences done include: T2 sagittal, T1 sagittal, T1 axial, T2 FSE axial, post gadolinium T1 coronal and axial.

Findings:

The thoracic vertebral bodies do have normal alignment and preserved heights. Bone marrow signal and cervical spinal cord signal is normal.

The thoracic Spine was then studied axially:

An oval-shaped, well-circumscribed lesion is identified which measures 12 mm x 7 mm x 6 mm (transverse diameter by AP x craniocaudal diameter) and is of corresponding high signal on the T2-weighted images and low signal on T1-weighted images. This lesion is located just anterior to the posterior aspect of the 9th right rib. After the administration of gadolinium, homogeneous enhancement is seen.

Again identified is the broad-based bulge at T9 and T10 without significant canal stenosis.

IMPRESSION:

Again seen is a lesion anterior to the right 9th rib which is well-circumscribed and oval in shape measuring 12 mm x 7 mm in largest diameter. The findings are most consistent with a nerve sheath tumor.

This exam was approved and reviewed by Dr. Donna Roberts.

My electronic signature on this consultation report indicates my direct involvement in the interpretation of the examination and/or the direct supervision of the entire procedure and agreement with the report.

Magnetic
Resonance
Imaging
OBJECTIVE
PROOF
OF
SCHWANNOMA
TUMOR
IN
PLAINTIFF'S
SPINE!

PLAINTIFF'S EXHIBIT #4: HIS RELATED CASE.

FILE LOCATED IN SAN MATEO

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CAND-ECF

Case File Location

Case 3:98-cv-04132-CAL is marked as having been sent to the FRC.

| Case Number | Volume | Case Title | FRC Shipment Code | FRC Accession Number | Box Number | FRC Location | Date Shipped | Description |
|-------------------|--------|--------------------------|-------------------|----------------------|------------|--------------|--------------|-------------|
| 3:98-cv-04132-CAL | CSI | Richards v. Apfel, et al | 021-02-0086 | 021-02-0086 | 332-333 | 1710540 | 03/09/2006 | 1710540 |

Error: There was an error retrieving the form. Please see your system administrator.

PRO SE PLAINTIFF LARRY RICHARDS, IN PROPRIA PERSONA

Name of Attorney for Plaintiff/Name of Plaintiff (if pro se)

2625 ALCATRAZ AVENUE #317

Address

BERKELEY, CALIFORNIA 94705-2702

(415) 252-1927 ATTORNEY ROUSSEAU

(415) 680-3517 MESSAGE ONLY

Telephone Number

NONE

Facsimile Number

NONE

State Bar Number of Attorney

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Larry Richards

Plaintiff, Pro Se
IN PROPRIA PERSONA

v.

MICHAEL J. ASTRUE

Commissioner of Social Security.

2-50) DOE(S) NAMED, UNKNOWN PERSONS
Defendant.

Case No.

**COMPLAINT FOR JUDICIAL REVIEW
OF DECISION OF COMMISSIONER
OF SOCIAL SECURITY**
(Administrative Procedure Act Case)

The above-named plaintiff makes the following representations to this court for the purpose of obtaining judicial review of a decision of the defendant adverse to the plaintiff:

1. The plaintiff is a resident of SAN FRANCISCO, CALIFORNIA,
CALIFORNIA
City
State

2. The plaintiff complains of a decision which adversely affect the plaintiff in whole or in part.

The decision has become the final decision of the Commissioner for purpose of judicial review and bears the following caption:

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///

///

COMPLAINT

In the case of: [#]98-4132(CAL)
Larry Richards
 Claimant

Claim for: SSDI
 TITLE 2 AND TITLE 16 SSI DISABILITY PAYMENTS
 AND BACK PAYMENTS
 Type of Benefit: NOTICE OF RELATED CASE (PREVIOUSLY FILED)
 Last Four Digits of Social Security Number

3. The plaintiff has exhausted administrative remedies in this matter and this court has jurisdiction pursuant to Title 42, U.S.C. §405(g). ^{See:} MATTHEWS VS. ELDRIDGE 424 US 319-322 INTER ALIA!

WHEREFORE, the plaintiff seeks judicial review by this court and the entry of judgment for such relief as may be proper, including costs.

DATE: MONDAY, MARCH 17TH 2008

^{UCC-207}
Joseph Richards Monday March 17th 2008
 Signature of Attorney or Plaintiff Appearing Pro Se
 PLAINTIFF, PRO SE, IN PROPRIA PERSONA

N:\DOCS\INTAKE\CIVIL\SocSecComplaintForm.wpd

JS 44 (Rev. 12/07) (and rev 1-16-08)

CIVIL COVER SHEET

ORIGINAL 5 AAC JWS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

Larry Richards, Plaintiff Pro Se, In Propria Persona

DEFENDANTS

1.) MICHAEL J. ASTRUE, Commissioner of Social Security Administration; 2. - 50.) DOE(S) named, unknown persons, ET. AL.

(b) County of Residence of First Listed Plaintiff San Francisco, California (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Washington, District of Col.

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

2625 Alcatraz Avenue, #317, Berkeley, California 94705 - 2702 AND IF APPOINTED UNDER THE EQUAL ACCESS TO JUSTICE ACT: Ms. Georgeana K. Roussos, The Law Offices of Georgeana K. Roussos, 77 McAllister Street, San Francisco, California 94102 (415) 252-1922

Attorneys (If Known)

IN CARE OF: UNITED STATES ATTORNEY'S OFFICE
ATTENTION: SOCIAL SECURITY DEFENSE ATTORNEY
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF
Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☒ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|--|--|---|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | PROPERTY RIGHTS | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 660 Occupational Safety/Health | SOCIAL SECURITY | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | LABOR | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 510 Selective Service |
| <input type="checkbox"/> 190 Other Contract | PERSONAL PROPERTY | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 580 Securities/Commodities/Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 590 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Litigation | <input type="checkbox"/> 865 RS1 (405(g)) | <input type="checkbox"/> 591 Agricultural Acts |
| REAL PROPERTY | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 740 Railway Labor Act | FEDERAL TAX SUITS | <input type="checkbox"/> 592 Economic Stabilization Act |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 593 Environmental Matters |
| <input type="checkbox"/> 220 Foreclosure | PRISONER PETITIONS | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 594 Energy Allocation Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 510 Motions to Vacate Sentence | IMMIGRATION | | <input type="checkbox"/> 595 Freedom of Information Act |
| <input type="checkbox"/> 240 Torts to Land | Habeas Corpus: | <input type="checkbox"/> 462 Naturalization Application | | <input checked="" type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 530 General | <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee | | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 465 Other Immigration Actions | | |
| | <input type="checkbox"/> 540 Mandamus & Other | | | |
| | <input type="checkbox"/> 550 Civil Rights | | | |
| | <input type="checkbox"/> 555 Prison Condition | | | |
| | <input type="checkbox"/> 440 Other Civil Rights | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC § 1343 Note 50
The Equal Access to Justice Act (at section 504 AND 554 of Title 5, United States Code) inter alia. 20 CFR § 404.988(c.)
Brief description of cause:
Emergency TRO to enforce previous ORDER of THIS COURT in #98 - 4132 (CAL) requiring SSA to negotiate with me

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 270,000 + DAMAGES 3 TIMES CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". Notice of Related Case: Larry Richards Vs. APFEL #98-4132 (CAL)

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE

MONDAY, MARCH 17th 2008, by Yang [Signature] Monday March 17th 2008 THE 27th DAY OF 2008

SIGNATURE OF ATTORNEY OF RECORD